

## Chapter Trans-RR 1

## RUSTIC ROADS

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**Note:** The Rustic Roads Code, chapters RR 1 to 11 were repealed and a new code, chapter Trans-RR1 was created effective June 1, 1981.

**Trans-RR 1.01 Definitions.** As used in this chapter:

(1) "Board" means the rustic roads board of the Wisconsin department of transportation.

(2) "Department" means the Wisconsin department of transportation.

(3) "Maintaining authority" means the county or municipality which has jurisdiction over a road.

(4) "Municipality" means town, city or village.

(5) "Rustic roads marking signs" means the brown, white and yellow standard statewide rustic road sign approved by the rustic roads board and designed by the department of transportation, the standard brown and yellow placard denoting the numerical identification of the rustic road within the statewide system, the standard brown and yellow placard denoting the length in miles of the rustic road, and all necessary auxiliary signs.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.02 Membership of the board.** The board of the department is composed of the following members:

(1) Chairpersons of the senate and assembly standing committees having jurisdiction over transportation matters as determined by the speaker of the assembly and the president of the senate, and

(2) Eight members appointed by the secretary of transportation for staggered 4-year terms of whom at least 4 members shall be selected from a list of nominees submitted by the Wisconsin county boards association.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.03 Purpose of the board.** The purpose of the board is to govern the creation and preservation of a system of rustic roads for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment.

**Note:** See s. 83.42 (1), Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.04 Qualifications for rustic road designation.** (1) A rustic road has outstanding natural features along its borders such as rugged natural terrain, native wildlife and native vegetation, or includes open areas with rustic or agricultural vistas which, singly or in combination, set this road apart from other roads as being something unique and distinct.

(2) A rustic road is a low-volume local use public road which is usable year-round.

(3) A rustic road functions as a local access road, i.e., one which serves the adjacent property owners and those wishing to travel by auto, bicycle or hiking, for purposes of enjoying its rustic features. This would generally preclude designating as a rustic road any road serving as a collector or arterial.

(4) A rustic road is one not scheduled or anticipated for major improvement which would change its rustic characteristics.

(5) A rustic road preferably has no high density development along it, but the development as exists at the time the road is designated shall be compatible with the surroundings and shall not detract from the rustic, natural, unspoiled character and visual impact of the road area.

(6) A rustic road preferably has a minimum length of 2 miles and, where feasible, provides a completed closure or loop or connects to major highways at both ends of the route.

(7) The land adjacent to the rustic road preferably is zoned compatible with the maintenance or preservation of its rustic character and low density development.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1995, No. 475; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register March 2002 No. 555.

**Trans-RR 1.05 Application procedures.** (1) For a road to be designated a rustic road, a petition from 6 or more resident freeholders of the municipality in which the road is located, or a petition from a majority of the resident freeholders along the road, shall be presented to the governing body of the municipality in which the road is located. The process may also be initiated without petitions by a resolution of the governing body of the municipality in which the road is located. Upon such a petition or resolution, the governing body of the municipality may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(2) Upon its final approval, the governing body of the municipality shall determine whether a jurisdictional change is desired. If so, the governing body of the municipality shall petition the county highway committee for approval of the rustic road designation and approval of the transfer of jurisdiction of the road to the county. If the county highway committee approves the jurisdictional transfer and the rustic road designation, the county highway committee shall petition the board for its approval. If no transfer of jurisdiction is desired, the governing body of the municipality shall petition directly to the board for its approval of the rustic road designation.

(3) (a) Rustic road designation of a road under county jurisdiction shall follow a procedure similar to the above, whereby initiation of the rustic road designation process shall be by county highway committee resolution, or by a petition from 6 or more resident freeholders of the county, or by a petition from a majority of the resident freeholders along the subject road. The county highway committee may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(b) If a transfer of jurisdiction is desired, the governing body of the municipality assuming jurisdiction, as well as the county highway committee, shall approve the transfer and the rustic road designation.

(c) Any change in the designation of a county trunk highway, whether it be transferred to a municipality or changed to an "other road under county jurisdiction," requires the approval of the department. Upon departmental approval, the governing body of the municipality assuming the jurisdiction of the rustic road shall petition the board for approval of the rustic road designation.

(d) If no transfer of jurisdiction is desired, the county highway committee shall petition the board for approval of the rustic road designation.

(4) Before its approval, the board shall provide final review as to the subject road's qualifications for designation. In its review, the board may require photos or slides describing the rustic qualities of the road or a personal inspection by one or more members of the board.

(5) Additionally, before its approval for designation is granted, the board, in accordance with s. 83.42 (5), Stats., shall ensure that a road under joint jurisdiction of 2 or more municipalities, or a municipality and a county, or 2 or more counties, has had the approval of the governing bodies of all affected governmental units having jurisdiction over the subject road.

**Note:** See s. 80.39, 83.025 (1), 93.42 (3), Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.06 Numbering of rustic roads.** Upon approval by the board of a rustic road designation, the board shall assign a numerical identification to the rustic road that is preceded by the prefix "R." The rustic roads shall be numbered sequentially beginning with R1.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.07 Jurisdiction and authority.** Upon approval of the board of rustic road designation and except as otherwise provided in these administrative rules, the county highway committee, the municipalities and counties shall have the same authority over rustic roads as they possess over other highways under their jurisdiction—including responsibility for maintenance.

**Note:** See s. 83.42 (7), Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.08 General maintenance.** A rustic road shall receive the level of maintenance necessary for public travel by auto, bicycle or hiking for recreational enjoyment, while still preserving the rustic qualities of the route.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.09 Road bed maintenance.** (1) Rustic roads may be dirt, gravel or hard surface. Necessary improvements may be made in surface to improve safety or drainage or to reduce maintenance problems, but shall not disturb the rustic characteristics for which the road was designated. Drainage and road improvements shall be kept as narrow as possible to retain the rustic charm of the road as well as keeping the driver's speed lower. The improvements shall be kept to a minimum to avoid disturbance of vegetation or unusual scientific or cultural sites which have been designated.

(2) Where it becomes a necessity, dust treatment may be used.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.10 Cross drainage maintenance.** (1) Cross drainage shall be maintained where necessary to prevent damage to the road, possible washouts and other problems which may be detrimental to proper safety.

(2) When bridge replacement is necessary, it is preferable that it be of a design and construction with a rustic appearance such as timber or stone structure.

(3) Repairs to an existing bridge of rustic character shall be made with an effort to preserve the rustic qualities of the structure.

(4) When deemed advisable, the maintaining authority may impose weight limitations on structures on a rustic road in lieu of structure replacement or repair.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.11 Vegetation maintenance.** (1) Where necessary for safety or protection of the traveling public, tree branches and shrubs may be trimmed or whole trees removed. This shall be done with proper tools so as not to leave unsightly scars. Land and forest management may be practiced.

(2) Control of undesirable vegetation shall be accomplished by mowing or selective cutting. However, when herbicides are necessary, they shall be used judiciously and in a prudent manner to avoid unnecessary browning of roadside vegetation.

(3) Mowing shall be performed only as necessary for health, safety and ecological reasons with the aim of encouraging, where appropriate, the growth of prairie flora adjacent to the road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.12 Sign maintenance.** (1) The standard statewide rustic road sign and the numerical identification placard shall be erected at all important public entrance points to a rustic road sign as mutually agreed upon by the maintaining authority and the department. Beneath the standard statewide rustic road sign, affixed to the same sign post, shall be the standard placard denoting the numerical identification of the rustic road within the statewide system of rustic roads.

(2) At each terminus of the rustic road an additional standardized placard denoting the length, in miles, of the rustic road shall be affixed to the post supporting the rustic road sign and placed below both the rustic road sign and the placard denoting the numerical identification of the individual rustic road.

(3) The rustic road marking signs may be placed on existing information or highway identification sign posts but shall not be placed on any regulatory or warning sign posts.

(4) (a) The department, at its own expense, shall furnish and install the initial rustic roads marking signs needed on all officially designated rustic roads.

(b) Each year, at the department's request, the maintaining authority for a rustic road shall inventory all the rustic roads marking signs on its rustic road. The inventory shall be sent to the department and shall state the number of missing or damaged rustic roads marking signs on its rustic road and shall identify the location of those missing or damaged signs that should be replaced. After receiving this inventory, the department, at its own expense, shall furnish and install the needed replacement rustic roads marking signs.

(c) The maintaining authority for a rustic road shall furnish, install and maintain all other guide or warning signs, signals, markings or devices on its rustic road at its own expense.

(5) All informational, regulatory, warning and identification signs shall be erected and maintained as necessary, in accordance with chs. 86 and 349, Stats., and ch. Trans 200.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. (3), r. and recr. (4), Register, February, 1988, No. 386, eff. 3-1-88.

**Trans-RR 1.13 Winter maintenance.** Normal winter maintenance practices shall be continued on any official designated rustic road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.14 Speed limits.** (1) The speed limit on all officially designated rustic roads is 45 miles per hour but may be changed by the maintaining authority. Any increase in the speed limit above 45 miles per hour requires the approval of the department.

(2) Pursuant to s. 346.57 (6), Stats., official signs giving notice of the speed limit shall be posted by the maintaining authority for the speed limit to be in effect.

**Note:** See ss. 346.57 and 349.11, Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.15 Land use protection.** (1) Local authorities are encouraged to preserve the natural and scenic characteristics of land along rustic roads. Local zoning powers, building setback regulations, access control, sign control and other powers may be used to protect and preserve the rustic character of the road by discouraging industrial, high density residential and most commercial development and encouraging the development or the continued existence of commercial establishments compatible with a rustic road, such as antique shops, craft shops, rock shops and produce markets.

(2) Upon petition for a zoning change to the county or municipality having authority over zoning, the board shall be notified in order to appear and present testimony at the zoning hearing, if the board deems it necessary.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.16 Utility installation.** (1) All utility companies shall be encouraged to bury electric power and communication lines on private easements where possible. Where it is not possible additional lines may be placed on existing poles or towers, or buried. Any utility installation shall attempt to preserve or restore the rustic quality of the route.

(2) Restoration of the rustic quality shall be required for all utility installation within the right-of-way of a rustic road.

(3) Upon approving a rustic road application, the board shall notify all utility companies providing service in the area of the rustic road as to the official rustic road designation.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.17 Advertising sign control.** Municipalities shall be encouraged to adopt local zoning ordinances restricting off-premise advertising signs and which address the control of existing signs and the erection of additional signs once a road has been designated a rustic road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.18 Development of county rustic roads plans.** Each county shall be encouraged to inventory its roads for potential candidates for inclusion in the rustic roads system and using this inventory, along with previous inventories of scenic roads, develop a countywide plan of rustic and scenic roads which is compatible with the functional classification plan in the county.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.19 Withdrawal of rustic roads designation.** (1) A road may be withdrawn from the rustic roads system with approval of the board after petition of the board by the maintaining authority and upon the holding of a public hearing by the maintaining authority for such a removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats., and all applicable local ordinances.

(2) The board may wish to withdraw rustic road designation for a particular road if the road no longer possesses the rustic character originally qualifying it for designation due to over-development. The board shall have the authority to remove the designation following a public hearing on the removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats.

(3) The removal of rustic road designation shall cause the jurisdiction of the road to revert to the status held before original designation by the board.

**Note:** See s. 83.42 (4), Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.20 Identification of complementary rustic features.** The maintaining authority is encouraged to identify with roadside markers any historical names, structures, places and events which complement and enhance the rustic character of the road.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Trans-RR 1.21 State aids.** State aids for each rustic road shall be determined in accordance with the local transportation aids provisions of s. 86.30, Stats.

**Note:** See s. 83.42 (8), Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81.